

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

DEC 10 2014

Doris E. Tucker, Plaintiff *in Propria Persona*
116 Beech Street NW
Roanoke, Virginia 24017

JULIA S. DUDLEY, CLERK
BY: 
DEPUTY CLERK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA

DORIS E. TUCKER
PLAINTIFF

v.

CASE NO. 714 CV 623

BENEFICIAL FINANCIAL I, INC. AND
SURETY TRUSTEES, LLC AND MOSS &
ROCOVICH, P.C. AND R. DAVID BARBE,
INDIVIDUALLY AND DENNIS A. BARBOUR
INDIVIDUALLY AND S.J. ROBERT SLEMP
INDIVIDUALLY AND DORSEY INDIVIDUALLY
AND NELSON MULLINS RILEY &
SCARBOROUGH LLP AND MARK A.
STAFFORD INDIVIDUALLY AND CHARLES N.
DORSEY DBA "THE CIRCUIT COURT FOR
THE CITY OF ROANOKE" AND DAVID
CARSON INDIVIDUALLY AND DAVID
CARSON DBA "THE CIRCUIT COURT FOR
THE CITY OF ROANOKE" AND CITY OF
ROANOKE AND THE CIRCUIT COURT FOR
THE CITY OF ROANOKE AND
JOHN DOES 1 – 10,

DEFENDANTS

**COUNT I – COMPLAINT FOR VIOLATIONS OF FAIR DEBT COLLECTION
PRACTICES ACT (FDCPA); 15 U.S.C. § 1692 ET SEQ.**

Plaintiff Doris E. Tucker repeats, re-allege, and incorporates by reference, all other paragraphs and sues BENEFICIAL FINANCIAL I, INC. AND SURETY TRUSTEES, LLC AND MOSS & ROCOVICH, P.C. AND R. DAVID BARBE, INDIVIDUALLY AND DENNIS A. BARBOUR INDIVIDUALLY AND S.J. ROBERT SLEMP INDIVIDUALLY AND DORSEY INDIVIDUALLY AND NELSON MULLINS RILEY & SCARBOROUGH LLP AND MARK A. STAFFORD INDIVIDUALLY AND CHARLES N. DORSEY DBA "ROANOKE CITY CIRCUIT COURT" AND DAVID CARSON INDIVIDUALLY AND DAVID CARSON DBA "ROANOKE CITY CIRCUIT COURT" AND

1 CITY OF ROANOKE AND ROANOKE CITY CIRCUIT COURT AND JOHN DOES 1 –
2 10, individually and collectively, (henceforth as “defendants”).

3 Plaintiffs are adult individuals residing Roanoke County, Virginia.

4 Defendant BENEFICIAL FINANCIAL I, INC. AND SURETY TRUSTEES, LLC
5 AND MOSS & ROCOVICH, P.C. AND R. DAVID BARBE, INDIVIDUALLY AND DENNIS
6 A. BARBOUR INDIVIDUALLY AND S.J. ROBERT SLEMP INDIVIDUALLY AND
7 DORSEY INDIVIDUALLY AND NELSON MULLINS RILEY & SCARBOROUGH LLP
8 AND MARK A. STAFFORD INDIVIDUALLY AND CHARLES N. DORSEY DBA
9 “ROANOKE CITY CIRCUIT COURT” AND DAVID CARSON INDIVIDUALLY AND
10 DAVID CARSON DBA “ROANOKE CITY CIRCUIT COURT” AND CITY OF ROANOKE
11 AND ROANOKE CITY CIRCUIT COURT AND JOHN DOES 1 – 10 is a resident doing
12 business in Roanoke County, Virginia and operating therein as a debt collector.

13 The Defendants have begun attempting to collect a purported debt from the
14 plaintiff yet there is no debt owed.

15 The Defendants also threatened to sue and are currently involved in a civil
16 lawsuit against the Plaintiff without having any legal rights or basis to maintain the suit.

17 The defendants have expressed, implied or stated that they would eventually
18 take the plaintiff's home, evict her, and that she would be subject to enormous taxes and
19 legal fees for having tried to defend herself.

20 The Defendants asked the Plaintiff for the location of her place of employment
21 and threatened to garnish her wages.

22 The Defendants failed to provide the Plaintiff with validation of debt within five
23 business days of contacting her.

24 The Defendants have undertaken actions to intimidate the plaintiff by having
25 individuals trespass on her property and take photographs without permission, look
26 through her windows and knock on the door to ask if they can take more photographs of
27 the backyard and inside of the home for purposes of their pending lawsuit.
28

1 The unlawful actions of the defendants have forced the plaintiff to seek the
2 protection of the United States Bankruptcy Court, yet the plaintiff is not insolvent but for
3 the false claims made by the defendants.

4 The Plaintiff has suffered actual damages as a result of the defendants' pending
5 lawsuit intended to result in the taking of plaintiff's property, as well as suffering from
6 unjustified and abusive invasions of personal privacy at the Plaintiff's home and
7 workplace.

8 The defendants have somehow acquired the personal and banking information of
9 the plaintiff and have used that information for their own personal gain and benefit
10 without any permissible purpose.

11 Based on these allegations, the consumer alleged violations of §§ 1692e(4) and
12 (5), and 1692g(a) and (b) of the FDCPA.

13 The foregoing acts and omissions constitute numerous and multiple violations of
14 the FDCPA, including but not limited to each and every one of the above-cited
15 provisions of the FDCPA, 15 U.S.C. § 1692 et seq.

16 This is an action for damages exceeding \$75,000.

17 Plaintiff demands a jury trial.

18 As a result of each and every violation of the FDCPA, Plaintiff is entitled to any
19 actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount
20 up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees
21 and costs, if any, pursuant to 15 U.S.C. § 1692k(a)(3) from each and every defendant,
22 jointly and severally.

23 REQUEST FOR RELIEF

24 WHEREFORE, Plaintiff demands that judgment be entered against each
25 Defendant, jointly and severally, and Plaintiff be awarded damages from each
26 Defendant, as follows:

27 A. An award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. §
28 1692k(a)(2)(A);

1 B. An award of costs of litigation and reasonable attorney's fees, if any, pursuant
2 to 15 U.S.C. § 1692k(a)(3);

3 C. An award of actual damages;

4 D. Pursuant to the seventh amendment to the Constitution of the United States
5 of America, Plaintiff is entitled to, and demands, a trial by jury on all issues so triable as
6 a matter of law.

7 Dated this 8th December day of ~~November~~, 2014.

8 
9 Doris E. Tucker, Plaintiff